

**Informal Meeting Minutes  
Monday, January 26, 2009  
Meeting Scheduled Start Time: 10:00 AM**

**BOARD OF SUPERVISORS  
Maricopa County, Arizona  
(and the Boards of Directors of the Flood Control District,  
Library District, Stadium District, Improvement Districts,  
and/or Board of Deposit)**



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Max Wilson, District 4, Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Tom Sullivan Conference Room  
301 W Jefferson, 10th Fl  
Phoenix, AZ 85003

The Board of Supervisors of Maricopa County Arizona convened in Informal Session at 10:00 AM on Monday, January 26, 2009, in the Tom Sullivan Conference Room with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Andrew Kunasek, District 3. Fulton Brock, District 1 (entered late). Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; Sandi Wilson, Acting County Manager; and Bruce White, Deputy County Attorney.

**1. EXECUTIVE SESSION**

Vote to convene in Executive Session to consider items on the Executive Agenda dated Monday, January 26, 2009, pursuant to statutory authority listed for each item.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek  
Ayes: Kunasek, Stapley, Wilson  
Absent: Brock, Wilcox

**Chairman's Statement regarding conflict of interest issue:**

I would like to note for the record that the Board has previously expressed concern about the adversarial positions that the county attorney's office has often taken against the board. This concern has caused us to retain independent counsel to analyze this apparent ethical conflict and to take actions that may be warranted. The analysis and response is ongoing. I must note that the Board in no way waives any conflict or ethical issues that exist as a result of the County Attorney's presence for any executive session matter.

**~ Supervisor Brock entered the meeting ~**

**1. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4)**

**Return of funds to A.C. Williams withheld after levy by Department of Revenue (E-06-09-020-2-00)**

Barbara Caldwell, Outside Counsel

**~ Supervisor Wilcox entered the meeting ~**

**2. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - A.R.S. §38-431.03(A)(4) SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR**

**RESOLVE LITIGATION - A.R.S. §38-431.03(A)(4)**

**Tarrats v. Schultz, CV2007-021973** (E-19-09-079-4-00)

Ted Howard, Claims Manager, Risk Management, **did not attend**

Peter Crowley, Risk Manager, Risk Management

John W. Paulsen, Deputy County Attorney

**3. LEGAL ADVICE - §ARS 38-431.03(A)(3) PENDING OR CONTEMPLATED LITIGATION - §ARS 38-431.03(A)(4) CONTRACTS SUBJECT TO NEGOTIATION - §ARS 38-431.03(A)(4) PURCHASE, SALE OR LEASE OF REAL PROPERTY - §ARS 38-431.03(A)(7)**

**Covey v. the Maricopa County Board of Supervisors; CV2006-052611, Counterclaim and Third Party Claim, in consolidated case CV2006-014285 (Hoskins v. Covey) (including related appeals); and Maricopa County v. Sandra E. Dowling and Dennis R. Dowling; CV2006-011451; District 509 vs. Maricopa County Treasurer; CV2008-017959** (E-06-09-019-3-00)

Tom Irvine, Outside Counsel

Rebekah Francis, Outside Counsel

Sandi Wilson, Acting County Manager

Shelby Scharbach, Acting Finance Director, **did not attend**

Brian Hushek, Deputy Budget Director

Lee Ann Bohn, Deputy Budget Director

Dennis Lindsey, Real Estate Manager

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board